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March 21, 2012

Ralph J. Schindler, Jr.
The Law Offices of Ralph J. Schindler, Jr.
53 West Jackson Boulevard
Suite 818
Chicago, Illinois 60604

Re: United States of America v. Michael Villagran

Dear Mr. Schindler,

RE: Michael Villagran

At your request, we have attempted to perform a psychiatric evaluation of Michael Villagran for the purpose of offering an opinion as to his fitness to stand trial. We met with Mr. Villagran on 1/7/2013. On that date, Mr. Villagran was willing to talk to us, and we spoke with him for approximately 20 minutes. Because of a change of staff at the Metropolitan Correctional Center, we were required to leave the premises and were unable to continue the interview. On 2/11/2013 and again on 2/21/2013 Mr. Villagran refused to come to the interview room.

Documents reviewed included:

1. Metropolitan Correctional Center, Inmate Disciplinary Data
2. Forensic Report, signed by David Szyhowski, Psy.D., dated July 16, 2012
3. Psychological Evaluation, signed by Amy Suszko Brown, Psy.D., dated January 27, 1999
4. Psychological Evaluation, signed by Cynthia Knight, M.S., dated January 27, 1998
5. Sexually Aggressive Child and Youth Assessment, signed by evaluator Daniel Tuhy, M.Div., M.A., dated June 6, 1997
6. Psychological Assessment, signed by Donald Pearson, Ph.D., dated March 24, 1995

Mr. Villagran is a 28 year old male. He has been detained at the Metropolitan Correctional Center since May 18, 2012. Mr. Villagran is alleged to have robbed a bank.

On the one occasion when we met with Mr. Villagran, he was advised as to the purpose of the evaluation. At that point, Mr. Villagran began speaking and continued to do so, without stopping, until correctional officers terminated the interview. It was not possible to advise Mr. Villagran of the absence of confidentiality and treatment relationship, as doing so would have necessitated talking over him.

Background and development:

All information pertaining to Mr. Villagran's background and development is obtained from documents listed above. Mr. Villagran was removed from the home and made a ward of the Department of Child and Family Services (DCFS) when he was 9 years old. Mr. Villagran was given a number of psychiatric diagnoses in childhood, including Mild Mental Retardation, Developmental Reading Disorder, Developmental Disorder Not Otherwise Specified, Oppositional Defiant Disorder, Attention Deficit Hyperactivity Disorder (March 1995), Major Depressive Disorder, Cannabis Abuse, Alcohol Abuse and Conduct Disorder (January 1999). Mr. Villagran had multiple unsuccessful out-of-home placements such that he was recommended for placement in Illinois Department of Corrections-Youth Division in January 1999.

Past Psychiatric and Medical History, Substance Use History, Social and Legal History:

Not obtained.

Inmate Disciplinary Data:

On June 28, 2012, items (including a battery casing, two tattoo machines, and three bottles of ink) were found inside the light fixture in Mr. Villagran's cell. Mr. Villagran stated these items did not belong to him, he did not know these items were there, and "somebody told me they had some stuff in there." On July 5, 2012, Mr. Villagran refused to provide a urine sample, stating, "It's my property and if you want it, I must be compensated 100 million dollars. You have no authority over me and I do not have to give you anything without being compensated." On December 17, 2012, Mr. Villagran used another inmate's account to place a telephone call in violation of correctional center rules.

Mental Status Examination:

Mr. Villagran is a 28 year old Hispanic male. He presented as a slightly built man who was neatly groomed and dressed in an orange jumpsuit; he appeared his stated age. Mr. Villagran was superficially polite and appropriate on introduction. No stereotypic behaviors, repetitive movements, or psycho-motor abnormalities were appreciated.

Although he was never hostile or impolite, Mr. Villagran was not engaged in or cooperative with the evaluation. Immediately following introductions, he began speaking. Speech was fluent, spontaneous and unaccented. Although his speech was run-on, it was not pressured and volume and tone were within normal limits. He did not use profanity or neologisms, but at times, his word choice was stilted and contrived, particularly when discussing Sovereign Citizens ideology.

He did not describe his mood. Affect was euthymic, stable, somewhat constricted in range, and modulated normally. Thought form was logical and tempo was normal. He did not evidence any hallucinations or delusions. He discussed at great length a number of unusual political beliefs, but these were consistent with those held by others in the Sovereign Citizens "movement" and not unique to Mr. Villagran. He did not report suicidal or homicidal thoughts.

Because of time constraints, no formal testing of cognitive functioning (e.g., orientation, memory, fund of knowledge, abstraction ability) was performed. Attention and concentration appeared, based on his conduct during the evaluation, to be unimpaired. Insight and judgment could not be adequately assessed.

Assessment and Opinions:

Mr. Villagran presented to one interview, although he would not cooperate with an evaluation and only stated his political beliefs, and subsequently twice refused to meet with examiners. Thus, it has proven impossible to date to fully assess his competency to be tried – that is, we have not been able to assess his factual knowledge regarding basic courtroom personnel, the charges against him and possible penalties, his understanding of available defenses, or his assessment of the likely outcome of a trial.

Based on observation of his behavior, he appears able to control his behavior to the usual standards of courtroom decorum should he desire to do so. He showed no evidence of thought disorder, so should be able to testify relevantly, and consult with his attorney should he wish to do so.

1. Available evidence does not indicate that Mr. Villagran is now, or ever has, suffered from psychotic symptoms (e.g. hallucinations or delusions).
    a. The statements made by Mr. Villagran are consistent with the political ideology of the Sovereign Citizens "movement." While these beliefs are not widely held, they are by no means unique to Mr. Villagran and, as such, are very unlikely to be delusions (i.e., fixed, false beliefs *not shared by others in his milieu*). It is further noted that there are anecdotal reports of others at MCC who have subscribed to the Sovereign Citizens political ideology.
    b. In addition, true delusions are unlikely to be present without evidence of other active psychiatric symptoms.
        i. Individuals with active, untreated psychotic symptoms are often perceived by correctional staff to be difficult, troublesome, or uncooperative and hence are frequently "written up" for disciplinary infractions. This does not appear to be the case with Mr. Villagran.
        ii. Individuals with active, untreated psychotic symptoms are often unable to maintain adequate hygiene, may not eat adequately, or may be victimized by others in the correctional milieu. This does not appear to be the case with Mr. Villagran.
        iii. Although Mr. Villagran has been diagnosed with a number of conditions in the past, none of these are strongly associated with delusions or other psychotic phenomena.
    c. It is profoundly unusual for individuals in the correctional system to refuse to cooperate with an evaluation because of symptoms of severe mental illness, and in such cases, associated behavioral disturbance is so profound that it is clearly obvious to correctional staff. (It is further noted that his refusal to cooperate implies at least a factual understanding of the purpose of the evaluation.)

2. Mr. Villagran's psychiatric history, including prior diagnoses, strongly suggests the presence of Antisocial Personality Disorder (although this diagnosis cannot, on the basis of available information, be confidently assigned). However, whether or not he fully merits this diagnosis, he has a history that would indicate substantial likelihood that he would find it acceptable to feign mental illness or otherwise consciously attempt to evade criminal responsibility.

3. Mr. Villagran's political ideology appears to be the motivation for his lack of cooperation with counsel and indeed with the justice system overall. This conviction appears to be the only indication that he might not be able to participate in his trial with a reasonable degree of understanding. However, the presence of a philosophical stance that leads to the choice, based on political ideology, not to cooperate with a system perceived to be illegitimate would not seem to be easily equated with lack of fitness to stand trial.

4. Presence of any of the following considerations would further support the hypothesis that Mr. Villagran is in fact from a psychiatric standpoint able, should he choose to do so, to appreciate the roles of the various courtroom figures, the nature of the charges against him, the possible penalties if he is found guilty, and to rationally consult with his attorney and testify relevantly.
    a. Prior criminal prosecution without having been found unfit to stand trial at any time.
    b. Evidence that others have assisted Mr. Villagran in drafting legal documents related to the current charges.
    c. Evidence that Mr. Villagran's reasoning (and, in the case of written materials, phraseology) is similar to legal documents filed by other inmates.
    d. Evidence of a belief on Mr. Villagran's part that a finding of unfitness would be legally advantageous (e.g. leading to reduction or dismissal of charges).

In summary, although no opinion can be offered regarding Mr. Villegran's factual knowledge of courtroom procedure and defense options, as outlined above, it can be concluded to a reasonable degree of medical certainty that Mr. Villegran shows no evidence to indicate the presence of a psychiatric disorder that would be reasonably likely to render him unfit to stand trial.

Sincerely,

Stephen Dinwiddie, M.D.
Professor of Psychiatry and Behavioral Sciences

Susan Buratto, M.D.
Forensic Fellow